SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 5171 / 2006

PETITIONERS

1. Rajesh Kumar Kannoje
S/o Gopal Prasad Kannoje
Aged about 39 years
Assistant Teacher
Govt. Higher Secondary School
Dongargarh, Dist- Rajnandgoan (C.G)

P.R. No. 5211/06
Presented by HS Ahluwalia
dated 18/9/06

2. Yodha Singh Rathore
S/o Late Satruhan Singh Rathore
Aged about 44 years
Assistant Teacher
Govt. Middle School, Sendari
Dongargarh, Dist- Rajnandgoan (C.G)

3. Suresh Kumar Sahare
S/o Late Raghunath Sahare
Aged about 41 years
Assistant Teacher
Govt. Middle School, Bacherabhatta
Dongargarh, Dist- Rajnandgoan (C.G)

OATH COMMISSIONER
APARNA MALVIYA
Bilaspur Chhattisgarh

4. Narayan Prasad Sukla
S/o Kamal Nayanacharya Shukla
Aged about 50 years
Assistant Teacher
Govt. Primary School, Latmarra,
P.O- Devkatta, Dongargarh,
Dist- Rajnandgoan (C.G)

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18/9/06
A. G. BILASPUR

5. Satruhanlal Sahu
S/o Panchram Sahu

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Aged about 44 years
Assistant Teacher
Govt. Higher Secondary School
Musra, P.O- Musra,
Dongargarh, Dist- Rajnandgoan (C.G)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through Secretary, Department of School Education, D.K.S. Bhawan, Raipur (C.G)

2. Director
Public Instruction of Education
Near Education Board office
Raipur (C.G)

3. Secretary
Finance Department,
D.K.S Bhawan, Raipur (C.G)

4. District Education Officer
Rajnandgoan
Dist- Rajnandgoan (C.G)

5. Block Education Officer
Dongargarh
Dist- Rajnandgoan (C.G)

6. Principal
Govt. Boys Higher Secondary School
Dongargarh, Dist- Rajnandgoan (C.G)

OATH COMMISSIONER
APARNA MALVIYA
CG/8673/96
Bilaspur Chhattisgarh

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OI
INDIA FOR ISSUANCE OF A SUITABLE WRIT ORDER OF DIRECTION TO
DO JUSTICE IN THE MATTER.

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (s) No. 5171 of 2006

Petitioners : Rajesh Kumar Kannoje & others

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri H.S. Ahluwalia, Advocate for the Petitioners.
Shri Sumesh Bajaj, Govt. Advocate for the State/respondents.

ORDER

(3rd October, 2006)

1. Learned counsel appearing for the petitioners submits that while working as Assistant Teachers, the petitioners 1, 2, 3 and 5 have gone on training to improve their qualifications on their own expenses and acquired B. Ed. Examination Certificate on 14.7.1992 (Annexure P/2) from Barkatullah Vishwavidyalaya, Bhopal and the petitioner No. 4 has acquired B.T.I. Examination Certificate in the year 1994 from the Board of Higher Secondary Education, Madhya Pradesh, Bhopal (Annexure P/3).

2. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar

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Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on his own expenses, are covered by the circular dated 24.12.98 (Annexure P/4) issued by the State Government of Madhya Pradesh

3. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

4. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B. Ed./B.T.I. Examination Certificate on their own expenses and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu